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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,084	03/16/2004	Leo M. Pedlow JR.	SNY-T5711.02	4061
24337	7590	09/20/2006	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			OLATUNJI, OLATUNDE O	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,084

Applicant(s)

PEDLOW ET AL.

Examiner

Olatunde Olatunji

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim(s) 1-29 are have been presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 21 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 states a "computer readable storage medium," all which are defined on page 20 lines 26-28 of the specification. Claim 21 states "a computer data structure," all which are defined on page 17 lines 4-7 of the specification. Claim 29 states an "electronic communication medium medium,". The Office's current position is that claims involving signals encoded with functional descriptive material do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are therefore ineligible for patent protection. See 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)).

Claim Objections

Claim 29 is objected to because of the following informalities: The claim recites "an electronic communication medium medium". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by
Candelore U.S. Patent #7,039,938 and 35 U.S.C. 102(a) as being anticipated by
Candelore U.S. Pre-Grant. Pub 2003/0145329

With the respect to claims 1 and 12, Candelore reference teaches selecting a plurality of packets for encryption according to a selection criterion, to produce selected packets, wherein unselected packets are designated to remain unencrypted (see col. 3, lines 60-63);

 duplicating the plurality of selected packets to produce duplicate packets, wherein the duplicate packets are unencrypted (see col. 5, lines 13-16);

 encrypting the selected packets under a first encryption system to produce first encrypted packets (see col. 6, lines 10-14);

 storing the content by storing the unencrypted unselected packets, the first encrypted packets and the duplicate unencrypted packets (see col. 2, lines 11-12).

With the respect to claims 2, 13, Candelore reference teaches receiving a request for the content from a subscriber terminal (see col. 1, lines 66-67); determining that the subscriber terminal is compatible with the first encryption system (see col. 6, lines 1-2); retrieving the stored content (see col. 6, lines 37-40); and sending the content to the subscriber terminal (see col. 6, lines 59-62).

With the respect to claim 3, Candelore reference teaches deleting the duplicate unencrypted packets from the content before sending the content to the subscriber terminal (see col. 7, lines 40-47).

With the respect to claims 4 and 14, Candelore reference teaches receiving a request for the content from a subscriber terminal (see col. 1, lines 66-67); determining that the subscriber terminal is compatible with a second encryption system (see col. 6, lines 1-2); retrieving the stored content (see col. 6, lines 37-40); encrypting the duplicate packets under the second encryption system (see col. 6, lines 34-37); and sending the content to the subscriber terminal (see col. 6, lines 59-62).

With the respect to claim 5, Candelore reference teaches deleting the first encrypted packets from the content before sending the content to the subscriber terminal (see col. 7, line 42-53).

With the respect to claim 6, Candelore reference teaches wherein the first encryption system comprises a legacy encryption system (see col. 5, lines 7-11), and wherein the second encryption system comprises an alternate CA encryption system (see col. 5, lines 7-20).

With the respect to claims 7, 18 and 28, Candelore reference teaches wherein the first encryption system comprises a legacy encryption system (see col. 5, lines 7-16).

With the respect to claim 8, Candelore reference teaches wherein the unselected packets are identified by a first set of Packet Identifiers (PIDs) (see col. 7, lines 53-56; col. 9, lines 48-51).

With the respect to claims 9 and 25, Candelore reference teaches wherein the first encrypted packets are identified by the first set of PIDs (see col. 7, lines 1-3; col. 9, lines 48-51).

With the respect to claims 10 and 26, Candelore reference teaches wherein the duplicate packets are identified by a second set of PIDs (see col. 7, lines 53-56; col. 9, lines 48-51).

With the respect to claims 11, 20 and 24, Candelore reference teaches wherein the content is stored on a video server at a cable system headend (see col. 5, lines 36-38).

With the respect to claim 15, Candelore reference teaches at least one computer readable storage medium (see col. 8, lines 9-10, "disc storage");

a segment of digital video content residing on the computer readable storage medium, the digital video content comprising:

a first plurality of packets selected according to a selection criterion, the plurality of packets being encrypted under a first encryption system (see col. 6, lines 10-14); a

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plurality of duplicate packets of the first plurality of packets, wherein the duplicate packets are stored unencrypted (see col. 5, lines 13-16); and a plurality of packets that were not selected according to the selection criterion, wherein the plurality of packets that were not selected are stored unencrypted (see col. 2, lines 11-12).

With the respect to claim 16, Candelore reference teaches wherein: the first plurality of packets are identified by a first set of Packet Identifiers (PIDs) (see col. 7, lines 1-3; col. 9, lines 48-51); the plurality of duplicate packets being identified by a second set of PIDs (see col. 7, lines 53-56; col. 9, lines 48-51); and the plurality of packets that were not selected being identified by the first set of PIDs (see col. 7, lines 53-56; col. 9, lines 48-51).

With the respect to claims 17 and 27, Candelore reference teaches wherein the digital video content comprises MPEG encoded digital video content (see col. 4, lines 21-22).

With the respect to claims 19 and 27, Candelore reference teaches wherein the computer readable storage medium comprises a set of video server disk drives (see col. 2, lines 11-12 & lines 16-17).

With the respect to claim 21, Candelore reference teaches a computer data structure representing digital video content, comprising in combination: a segment of digital video content divided into a plurality of data packets (see col. 8, lines 36-42); the data packets being divided into at least three types of data packets as follows:

a first type of data packet that is selected according to a selection criterion for encryption (see col. 6, lines 10-14);

a second type of data packet that is not-selected according the selection criterion (see col. 2, lines 11-12);

and a third type of data packet that comprises duplicates of the first type of data packets, wherein, the first type of data packet are encrypted under a first encryption system, the second type of data packet is unencrypted, and the third type is unencrypted (see col. 5, lines 13-16).

With the respect to claim 22, Candelore reference teaches wherein the data structure is stored on a computer readable storage medium (see col. 8, lines 36-41).

With the respect to claim 29, Candelore reference teaches wherein the data structure is transported over an electronic communication medium (see col. 8, lines 22-23).

Prior Art Made of Record

The prior art made of record and not relied upon in considered pertinent to applicant's disclose. The following patents and patent applications are cited to further show the state of the art with respect to a multiple selective encryption method for digital content consistent with certain embodiments involves selecting a plurality of packets for encryption according to a selection criterion, to produce selected packets, wherein unselected packets are designated to remain unencrypted, such as:

United States P.G. Pub. # 2004/0049688 to Candelore et al., is cited to show an upgrading of encryption process for encryption of video information from an old encryption process to a new encryption process.

United States P.G. Pub. # 2004/0139337 to Pinder et al., is cited to show methods and apparatus for providing a partial dual-encrypted stream in a conditional access overlay system.

United States P.G. Pub. #2003/0026423 to Unger et al., is cited to show an encryption arrangement for multiple encryption of television programs.

United States P.G. Pub. #2002/0108035 to Herley et al., is cited to show methods and apparatus that partially encrypt an information data file.

United States P.G. Pub. #2002/0129243 to Nanjundiah, is cited to show a system and method of selectively encrypting data packets in a data packet sequence is disclosed.

United States P.G. Pub. #2004/0068659 to Diehl, is cited to show a method for secure distribution of digital data representing a multimedia content.

Conclusion

All claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olatunde Olatunji whose telephone number is (571)

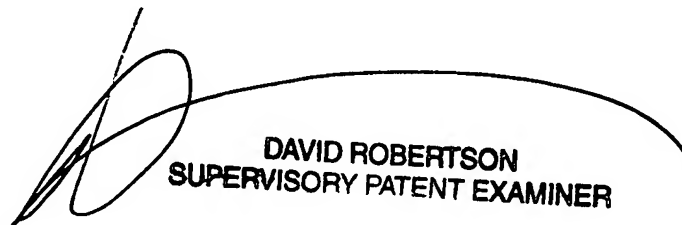
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270-1020. The examiner can normally be reached on M-TR 7:30-5pm EST & 2nd Friday 7:30-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson can be reached on (571) 272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Olatunde Olatunji
9/12/2006



DAVID ROBERTSON
SUPERVISORY PATENT EXAMINER

Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

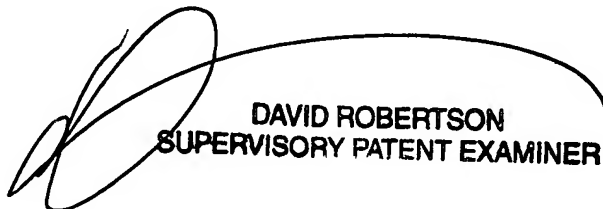
Due to the large quantity of documents supplied in the Information Disclosure Statements of 24th July 2006, 30th June 2006, 25th April 2006, 27th January 2006, 28th October 2005, 29th July 2005, 2nd June 2005, 15th March 2005, 3rd November 2004 and 16th March 2004 the Examiner requires that the Applicant specifically explain or point out the relevant sections of each document listed on the IDS. See MPEP 704.10.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Approval for 37 CFR 1.105 Requirement

O.O.

Olatunde Olatunji
9/12/2006


DAVID ROBERTSON
SUPERVISORY PATENT EXAMINER